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Town and Country Planning Act 1990 (As Amended)
Section 174 appeal

Re: 162 Agar Grove,
London,
NW1 9TY.

By
Short Stay Limited.

GROUND OF APPEAL

Re:

Serving of Enforcement Notice by London Borough of Camden Council regarding without planning permission, the change of use of the basement, first and second floors to short term lets (C1 use), at the above premises.

Council Reference: EN13/0761
Planning Inspectorate Ref.:

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Appendix 1 : Copy of the Enforcement Notice.

Appendix 2 : Ordnance Survey extract relating to premises, the subject of Enforcement Action.

1.0. INTRODUCTION

- 1.1 The appellants' grounds of appeal have been prepared with reference to the Borough Council's reasons for instigating Enforcement Action.

2.0. BACKGROUND TO THE SUBMISSION OF THE APPEAL

- 2.1 On 28th October 2015 Camden Council issued an Enforcement Notice, which would take effect on 9th December 2015 unless an appeal was submitted against the Council's action.
- 2.2 This Enforcement Notice cited "without planning permission, the change of use of the basement, first and second floors to short term lets (C1 use), as the subject of their action.
- 2.3 It is against this Enforcement Notice that this appeal has been lodged.

3.0 COUNCIL'S REASONS FOR ENFORCEMENT ACTION

- 3.1 This appeal concerns the serving of an Enforcement Notice regarding the development described in paragraph 2.2 above.

The Council stated: "It appears to the Council that the above breach of planning control has occurred within the last four years"

and that the reasons for their action were:-

The proposed change of use to short stay accommodation (Class C1) would result in the unacceptable loss of permanent residential housing (Class C3) contrary to objectives to maximise the supply of additional homes in the Borough. As such, the proposal would be contrary to Core Strategy Policy CS6 'Providing quality homes' and Development Policy DP2 'Making full use of Camden's capacity for housing' of Camden's Local Development Framework.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

3.2 These 'reasons for enforcement' raise the following issues.

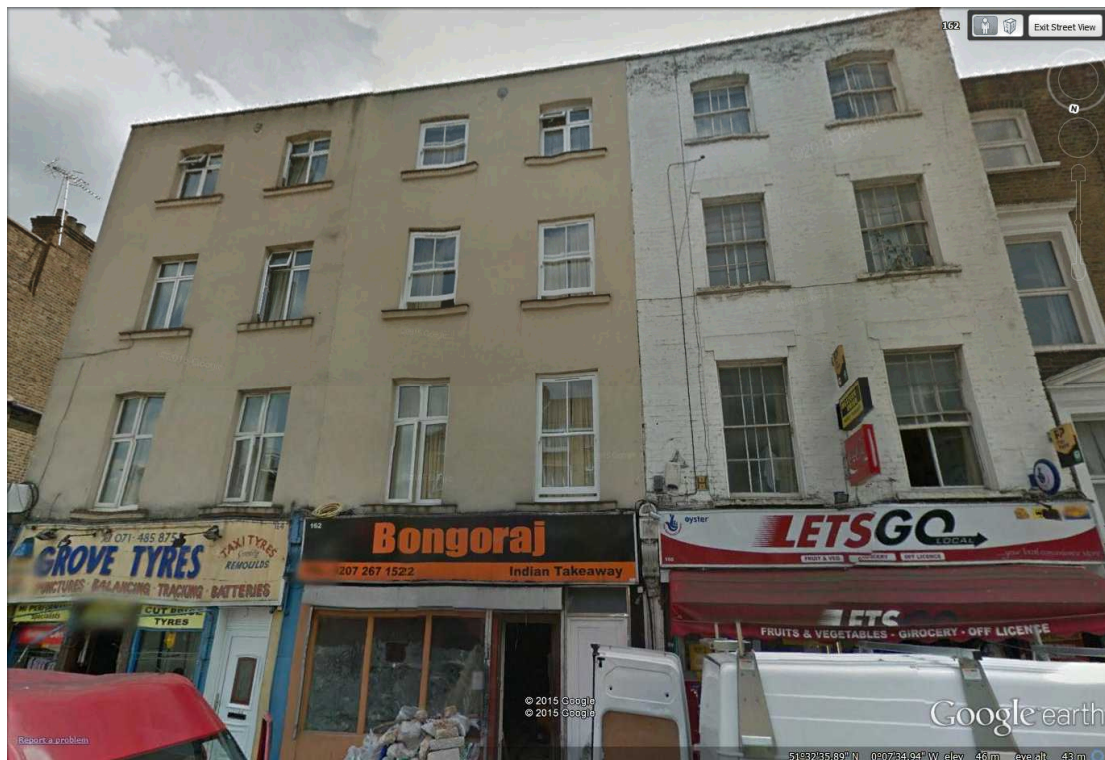
- 1) Whether or not the appeal development would result in the unacceptable loss of permanent residential housing and if so whether or not there is any planning benefit that would outweigh this loss.
- 2) Whether or not the development is contrary to stated Council policies.
- 3) Whether or not there are any mitigating circumstances that may support the case for approval.

4.0 STATEMENT TO SUPPORT GROUNDS OF APPEAL

- 4.1 The Appeal premises consist of a 4 storey plus basement mid-terrace Georgian building situated to the southern side of Agar Grove. The building is finished in external render with off white painted facade.
- 4.2 The Appeal premises are located on the margin of the King's Cross major re-development area. This is an area that is being transformed into the UK Gateway from Europe, and a major tourist location.
- 4.3 The National Planning Policy Framework confirms that all Planning Authorities have an obligation to create a "range of tenures" of properties.
- 4.4 Whilst accepting that the Borough should ensure an adequate supply of accommodation for long term tenants, other permissions granted within the area by the Local Planning Authority have resulted in it being turned into an area of sustainable growth, attracting thousands of tourists per year. The Appellant has an empirical evidence base that the local demand is for short term accommodation, which is currently unmet. It is also a necessary repercussion to support the development within the surrounding area.
- 4.5 The Local Planning Authority say that the Appeal development would result in the unacceptable loss of permanent residential housing (Class C3) contrary to objectives to maximise the supply of additional homes in the Borough. However, the Appellants would wish to respond to this comment and

respectfully advise the Inspector that the Appeal premises have not been in the form of permanent residential accommodation for some considerable amount of time.

- 4.6 The property was the victim of squatters who had occupied the premises for several years, a fact which the Appellants are able to prove with the benefit of documentary evidence that will be attached as an Appendix to the Appellant's future Statement once the Appeal is acknowledged and progressing forward.
- 4.7 Due to the history of the premises throughout recent years, the use of the premises for short stay accommodation will not result in the loss of permanent residential housing as the property has not constituted such use for many years.
- 4.8 The Appeal property is located in the middle of a short terrace of three similar properties that all comprise retail/commercial use at ground floor level with residential accommodation on the upper floors. The Appeal premises and abutting properties are shown immediately below.



- 4.9 This terrace/parade of shops is physically set apart from the remaining properties within Agar Grove by physically being set in front of the front elevation of the remaining properties. This fact can be readily seen by viewing the photograph as shown above.

4.10 These 'remaining properties' all appear to be of similar age, design and materials and comprise large dwelling houses within a long terrace of similar properties, which further along the road become semi-detached properties. A similar situation is found upon the northern side of Agar Grove.

4.11 The Appeal premises and the immediately adjoining properties to either side have no rear garden space or area to the back of the building. This may be seen by reference to the small photograph contained immediately below.



4.12 It is contended that if the property were to be reverted back to use for permanent residential accommodation, as opposed to short term lets; the negligible external amenity space available at the property would be woefully short of the minimum required for such a four-storey residential property and its constituent number of bedrooms.

Whether the proposal complies with Council policy.

Camden Core Strategy 2010 – 2025 (Adoption version 2010)

4.13 Policy CS6 - Providing quality homes

The Council will aim to make full use of Camden's capacity for housing by:

a) maximising the supply of additional housing to meet or exceed Camden's target of 5,950 homes from 2007-2017, including 4,370 additional self-contained homes;

b) maximising the supply of additional housing over the entire plan period to meet or exceed a target of 8,925 homes from 2010-2025, including 6,550 additional self-contained homes;

c) supporting the supply of additional student housing, bedsits and other housing with shared facilities providing this does not prejudice the Council's ability to meet the target for the supply of additional self-contained homes, the balance of uses in the area; and the quality of residential amenity or the character of the surrounding area;

d) minimising the net loss of existing homes;

e) regarding housing as the priority land-use of Camden's Local Development Framework. The Council will aim to secure high quality affordable housing available for Camden households that are unable to access market housing by:

f) seeking to ensure that 50% of the borough-wide target for additional self-contained homes is provided as affordable housing;

g) seeking to negotiate a contribution from specific proposals on the basis of:

- the maximum reasonable amount of affordable housing under the specific circumstances of the site, including the financial viability of the development,
- an affordable housing target of 50% of the total addition to housing floorspace, and
- guidelines of 60% social rented housing and 40% intermediate affordable housing;

h) minimising the net loss of affordable housing;

i) regenerating Camden's housing estates and seeking to bring Council stock up to the Decent Homes standard by

2012. The Council will aim to minimise social polarisation and create mixed and inclusive communities across Camden by:

j) seeking a diverse range of housing products in the market and affordable sectors to provide a range of homes accessible across the spectrum of household incomes;

k) seeking a range of self-contained homes of different sizes to meet the Council's identified dwelling-size priorities;

l) seeking a variety of housing types suitable for different groups, including families, people with mobility difficulties, older people, homeless people and vulnerable people; and

m) giving priority to development that provides affordable housing and housing for vulnerable people.

The Council will monitor the delivery of additional housing against the target for housing supply, and will seek to maintain supply at the rate necessary to meet or exceed the target. In seeking to maintain the housing supply, the Council will adjust the type and mix of housing sought, having regard to the financial viability of development, the sales or capital value of different house types and tenures, and the needs of different groups.

Response: The Appellants would wish to state that the Appeal development has not resulted in the unacceptable loss of permanent residential housing as the premises have not been permanent residential accommodation for a considerable amount of time and as such there is no material loss of permanent residential housing.

Response: The Appeal development has not resulted in the permanent loss of the property to a use outside of a use for residential purposes but to a use that provides for a different type of residential use, one that is of a more temporary nature and one that provides for this use within a specific area in which it is clearly required.

Camden Development Policies (Adoption version 2010)

4.14 Policy DP2: Making full use of Camden's capacity for housing states:

The Council will seek to maximise the supply of additional homes in the borough, especially homes for people unable to access market housing, by:

- a) expecting the maximum appropriate contribution to supply of housing on sites that are underused or vacant, taking into account any other uses that are needed on the site;
- b) resisting alternative development of sites considered particularly suitable for housing; and
- c) resisting alternative development of sites or parts of sites considered particularly suitable for affordable housing, homes for older people or homes for vulnerable people.

The Council will seek to minimise the loss of housing in the borough by:

- d) protecting residential uses from development that would involve a net loss of residential floorspace, including any residential floorspace provided:
 - within hostels or other housing with shared facilities;
 - or
 - as ancillary element of another use, wherever the development involves changing the main use or separating the housing floorspace from the main use.
- e) protecting permanent housing from conversion to short-stay accommodation intended for occupation for periods of less than 90 days;
- f) resisting developments that would involve the net loss of two or more homes, unless they:
 - create large homes in a part of the borough with a relatively low proportion of large dwellings,
 - enable sub-standard units to be enlarged to meet residential space standards, or
 - enable existing affordable homes to be adapted to provide the affordable dwelling sizes that are most needed.

As an exception to the general protection of residential floorspace, where no alternative site is available, the Council will favourably consider development that necessitates a limited loss of residential floorspace in order to provide small-scale healthcare practices meeting local needs.

Response: Whilst it is clear that the Appeal development does not comply with the parameters and requirements of section e) of this policy the Appellants would wish to state that the Appeal property has not been in use as 'permanent housing' for a significant numbers of years and the use for short term lets does not materially result in a loss of such permanent provision.

Whether or not there are any mitigating circumstances that may support the case for approval.

- 4.15 The Appellants would wish to reiterate the fact that the Appeal development has not resulted in the unacceptable loss of permanent residential housing as the premises have not been permanent residential accommodation for a considerable amount of time and as such there is no material loss of permanent residential housing.
- 4.16 The Appeal development has not resulted in the permanent loss of the property to a use outside that of a use for residential purposes but to a use that provides for a different type of residential use, one that is of a more temporary nature and one that provides for this use within a specific area in which it is clearly required.

5.0 CONCLUSION

- 5.1 The appeal proposal, for the reasons stated above, does not cause harm to any interest of acknowledged importance.
- 5.2 In the light of the comments contained in the above statement the Inspector is respectfully requested to allow this appeal.